

[Advisory Opinion 1995-5]

MEMORANDUM

April 11, 1995

TO: [Name1 withheld]  
Division of Risk Management

FROM: Jay Cohen, Chairman [signed]  
Montgomery County Ethics Commission

SUBJECT: Request for Opinion\Waiver

The Ethics Commission received and reviewed your memorandum of January 13, 1995.

In that memorandum, you indicated that very soon your division will issue an RFP for third party claims administration services for Montgomery County and that it is possible that one of the organizations expected to bid is a former employer. You stated that you had been employed by this company between 1982 and 1987. You further indicated that you have no financial connection with this company.

Due to your past association with this company, you have requested that the Commission determine whether you would have a conflict of interest if you participate on the Qualification and Selection Committee regarding this RFP.

Section 19A-11(a)(1)(B) of the Ethics law states:

“ . . . Unless permitted by a waiver, a public employee must not participate in:

- (1) any matter that affects, in a manner distinct from its effect on the public generally, any:
  - (B) business in which the public employee has an economic interest.”
  - (C) property or business in which a relative has an economic interest, if the public employee knows about the relative’s interest.

Since you have advised us that you have no current or future economic interest in these companies, no conflict of interest exists and you do not require a waiver of this provision of the Ethics Law. Accordingly, you may participate in both the bid process as well as the administration of the contract if it is awarded to either company.

Please contact our office if you have any further questions regarding this matter.